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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,491

06/25/2003

Donald E. Weder

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EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/603,491

Applicant(s)

WEDER, DONALD E.

Examiner

Nasser Ahmad

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12/12/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 66-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 66-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 63-116 been renumbered as 66-119.

### ***Rejection Withdrawn***

1. Claim 1-11, 13-21, 23-30 and 32-65 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending Application No. 11/079953 made in the last Office Action has been withdrawn in view of the amendment filed on 12/12/2006.

### ***Allowable Subject Matter Withdrawn***

2. Claims 3, 9, 18, 28, 37, 50, 58 are objected to as being dependent upon a rejected base claim, but would be allowable, has been withdrawn in view of the newly uncovered prior art of TELLIER (3788881) as applied hereinbelow.

### ***Response to Arguments***

3. Applicant's arguments with respect to new claims 66-119 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 66-69, 73-76, 80-83, 88, 90-91, 95-98, 101-103, 105-106, 110-113 and 117-118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tellier (3788881).

Tellier (for claims 66, 68) relates to a method comprising the steps of providing at least one sheet of flexible, laminated polymeric material (col. 1, lines 32-40) having an upper surface and a lower surface, wherein at least a portion of one of the upper and lower surfaces of the at least one sheet of laminated polymeric material is modified to provide such surface with a matte finish (col. 1, lines 52-57) wherein the matte finish is provided by printing with a matted ink or lacquering with a matted lacquer (col. 1, lines 52-57), the sheet of laminated polymeric material (col. 2, line 40 teaches that both surfaces of the polymeric material is coated with polymeric material, one of said coated layer will form the laminate with the polymeric sheet material) comprising: at least one sheet of polymeric material; and at least one sheet of material laminated to one surface of the sheet of polymeric material, the at least one sheet of material being selected from the group consisting of a polymeric film (col. 2, line 40), a substantially water impervious polymeric film, paper, a metallized foil and combinations thereof;

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However, Tellier fails to teach the step of selling and delivering the at least one sheet of laminated polymeric material to a customer. It would have been obvious to one having ordinary skill in the art to modify Tellier by providing the step of selling and delivering the sheet to a customer in order for it to be used such as a decorative material.

The phrase **"wherein the customer wraps the sheet...matte finish"** in claims 39-42, 60-61 has not been given any patentable weight because it is not directed to a step of the method.

For claims 67 and 69, Tellier also teaches at least one sheet of polymeric material (col. 1, lines 32-40).

For claims 73, 80, 87, 91, 95, 98, 103, 110, 113, 117: the sheet is further provided with a printed pattern such as with ink.

For claims 74, 81, 88, 96, 102, 111, 118: the surface is treated with a bonding material (col. 2, lines 42-47) which enhances adherence to the surface.

Regarding claims 75, 82, 90, 97, 103, 105, 112: the sheet, in Tellier, is provided with a matte finish portion and a portion that has acrylic heat sealable lacquer (col. 2, lines 27-34).

For claim 76, 83: the matte finish is formed by lacquering.

6. Claims 70-72, 77-79, 84-87, 89, 92-94, 96-98, 104, 107-109, 114-116, 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tellier in view of Magid.

Tellier, as discussed above, fails to teach that the sheet is formed into a roll or a pad.

Magid discloses a sheet material wherein the polymeric material can include a plurality

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of sheets (11, 12) formed into a roll of material (figure-1) or a pad ((figures 4-6) for facilitating storage and transportation. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Magid's teaching of providing the polymeric sheet material in a roll or pad form in the invention of Tellier with the motivation for facilitating storage and transportation of the sheet material.

For claim 69, one of the layers can be a foam (12, expanded layer) having a thickness as that of the plastic sheet (11), that is between 0.25 to 30 mils (col. 3, lines 5-10).

For claim 86, the sheets can be bonded with adhesive, which has its own color.

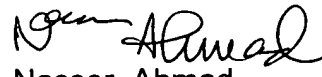
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 3/1/07  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
March 1, 2007.